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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,044	02/28/2002	Bob Janssen	DVME-1020US	6490

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,044

Applicant(s)

JANSSEN ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-19 are pending for examination.
2. Claims 1-19 are still rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz [U.S. Patent No. 6,757,679].
3. Fritz discloses the invention substantially as claimed. Taking claims 1 and 19 as exemplary claims, the reference discloses a method and a system for receiving n possible requests sent by p requestors (e.g., see col. 8, lines 1-3, col. 2, lines 48-52) for simultaneously processing requests and halting the activity when there are more than a maximum number of requests (e.g., see col. 1 (lines 56-58), col. 2 (lines 24-26), last 3 lines of the abstract). Further, Fritz discloses the feature of maintaining a queue management in the multi-user system (e.g., workstations, LAN, Internet, etc.) as a variable that can be dynamically adjusted (e.g., a next-element value of a queue-base pointer that can be set to a value and the next-element pointer with added priority that can be set or adjusted by the electronic queue management system, see col. 3, lines 4-42).
4. While Fritz discloses more than one requesters (e.g., requesters a and ab) that can request more than two requests outstanding at a time (e.g., see col. 2, lines 48-52) and means for receiving n possible requests sent by p requestors (e.g., see col. 8, lines 1-3), Fritz does not explicitly mention that his requester is a log-on request from a user at a terminal. Using a computer terminal to log-on to the system (e.g., LAN or Internet or Intranet, etc.) to access to the system in order to do something, in this case a request for something from the system, is well known in the art at the time the invention was made. Moreover, the feature of multi-user computer system (e.g., workstations, LAN, Internet, etc.) is also a well known feature in the art. Thus, it would have been obvious to one of ordinary skill in the art to recognize that specific request be a user would have been a matter of design choice. The key of his teaching is the use of queue for controlling the number of requests concurrently.

5. As to claim 2, Fritz discloses one request is performed when the other has been completed (e.g., see 14, the use of queue pointer for control the requests).
6. As to claims 3 and 11, Fritz discloses each request is assigned a lot at a certain position in a waiting queue (assigning priority to the request and placed it in the queue, see col. 3 (lines 31-43)).
7. As to claims 4 and 8, such feature of displaying information to the user would have been obvious to one of ordinary skilled in the art at the time the invention was made because this is merely showing data on a computer monitor or screen.
8. As to claim 5, Fritz discloses the feature of removing requests from the waiting queue (e.g., see col. 3 , lines 43-55).
9. As to claim 6, Fritz discloses the feature of continually updated of the request and remove from the slot of queue (e.g., see col. 5, lines 33-52).
10. As to claim 7, Fritz discloses the feature of cancel a request (dequeue, request to remove) (e.g., see col. 6 (lines 1-31, 64)).
11. As to claim 9, Fritz discloses the feature of updating a user session during a certain time interval when the user session has been completed (e.g., see col. 5 (line 18) to col. 6 (line 68)).
12. Applicant's arguments filed 10/03/06 have been fully considered, but they are not persuasive.

In the remark applicant substantially argues that:

a) Fritz does not disclose a method of controlling the creation of a user session, the processing of a log-on request by a user at a terminal, that the creation of the user

Art Unit: 2153

session is halted when more than a maximum number of log-on requests are being processed, and that the maximum number of log-on requests is maintained as a variable which can be adjusted in the multi-user computer system.

b) The system of Fritz does not maintain the maximum number of log-on requests as a variable that can be adjusted should there be a change in user demand for the computer resources (e.g., see page 6, second paragraph of the applicant's argument).

c) Fritz says nothing about log-on requests and thus clearly lacks two features required to make out a case of prima facie obviousness against claim 1 of the present application, namely: (1) processing a log-on request entered by a user at a terminal, and (2) maintaining the maximum number of log-on requests as a variable that can be adjusted should there be a change in user demand. (e.g., see page 6, third paragraph of the applicant's argument).

d) There must be a (1) a suggestion, motivation or teaching that would lead the skilled person to make the combination.

13. In response to paragraph 12 a) above, Examiner respectfully disagrees because Fritz clearly discloses the method and a system for receiving n possible requests sent by p requestors (e.g., see col. 8, lines 1-3, col. 2, lines 48-52) for simultaneously processing requests and halting the activity when there are more than a maximum number of requests (e.g., see col. 1 (lines 56-58), col. 2 (lines 24-26), last 3 lines of the abstract). Further, Fritz discloses the feature of maintaining a queue management in the multi-user system (e.g., workstations, LAN, Internet, etc.) as a variable that can be adjusted (e.g., a next-element value of a queue-base pointer that can be set to a value and the next-element pointer with added priority that can be set or adjusted, see col. 3, lines 4-42). To the extent of the claimed language, the term variable here is nothing more than the Fritz's value pointer that can be set or adjusted.

14. In response to paragraph 12 b) above and to the extent of the claimed language, Fritz clearly discloses the feature halting the activity when there are more than a

maximum number of requests (e.g., see col. 1 (lines 56-58), col. 2 (lines 24-26)) and the feature of adjusting the variable (e.g., this variable would have been a next-element value of a queue-base pointer that can be set to a value and the next-element pointer with added priority that can be set or adjusted, see col. 3, lines 4-42).

15. In response to paragraph 12 c) above and to the extent of the claimed language, using a computer terminal to log-on to the system and to access to the system in order to do something, in this case a request for something from the system, is well known in the art at the time the invention was made. Moreover, Fritz further disclosed the feature of halting the activity when there are more than a maximum number of requests (e.g., see col. 1 (lines 56-58), col. 2 (lines 24-26)) and the feature of halting the activity when there are more than a maximum number of requests.

Moreover, a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. *In re Rineheart*, 189 USPQ 143 (CCPA 1976).

16. In response to paragraph 12 d) above, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fritz discloses more than one requesters that can request at a time, but Fritz does not explicitly mention that his requester is a log-on request from a user at a terminal. And, using a computer terminal to log-on to the system is so well known in the art at the time the invention was made. Thus, it would have been obvious to one of ordinary skill in the art to recognize that using a well known terminal to log-on a system and request something from the system would have been well within one of ordinary skill in the art.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Application/Control Number: 10/087,044

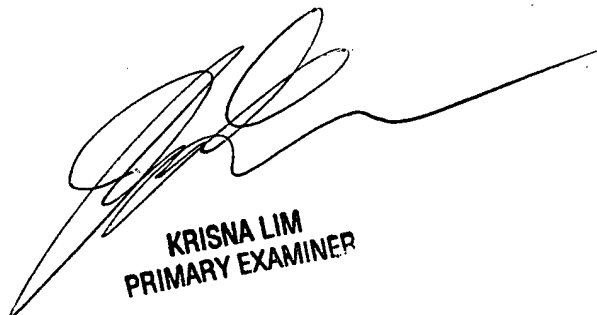
Page 7

Art Unit: 2153

Business Center (EBC) at 866-217-9197 (toll-free).

KI

November 25, 2006



**KRISNA LIM
PRIMARY EXAMINER**